

Texas Department of Public Safety, Driver License Division

Policy & Business Improvement



Proof of Residency

2:13-cv-193
09/02/2014

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Issue:

Applicants for an original identification (ID) card or driver license (DL) are currently not required to prove residency.

Objective:

Develop policy to implement the residency/domicile rules. By following the recommended policy and procedures, there should be a reduction in the number of IDs and DLs issued to customers who are not Texas residents.

Definitions:

Residence – For non-commercial driver license holders, the owner’s “residence address” means the address, legal description, or physical description of the owner’s principal place of residence. “Principal place of residence” means the place where a person normally resides, resides the majority of the time, or returned to after periods of temporary absence.

Domicile – For commercial driver license holders, the place where a person has their true, fixed, and permanent home and principal residence and to which the person intends to return whenever absent.

Mailing Address – The postal address where mail can be addressed to a person or organization.

Individual - The person or family member with whom the applicant resides.

Representative - Representative of an organization that provides services to the applicant where the applicant can receive mail.

Policy to Follow:**Proof of Residency****Authority:**

37 Texas Administrative Code §15.49 - Proof of Domicile

37 Texas Administrative Code § 16.15 – Proof of Domicile (CDL)

Texas Transportation Code, Section 521.1426 – Domicile Requirement; Verification

Texas Transportation Code, Section 522.0225 – Verification of Domicile (CDL)

Purpose

To reduce the number of driver licenses and identification cards issued to customers who are not residents of Texas.

Residency Policy

Applicants for an original non-commercial driver license (DL), a commercial driver license (CDL) or identification card (ID) must present two acceptable documents containing the applicant’s name and residential address to establish proof of residency.

To establish residency in Texas for an original ID or non-commercial DL, an applicant must:

- ✦ Reside in Texas for at least 30 days prior to application
- ✦ Present two acceptable documents establishing proof of residency, one of which must demonstrate the applicant has lived in Texas at least 30 days
- ✦ **This requirement is waived for applicants who surrender a valid, unexpired out-of-state DL**

To establish domicile in Texas for an original CDL, an applicant must:

- ✦ Apply for a Texas CDL within 30 days of being domiciled in Texas
- ✦ Present two acceptable documents establishing proof of domicile
- ✦ **CDL holders do not have to demonstrate they have resided in Texas for at least 30 days prior to the application.**

An applicant who provides an out-of-state mailing address and attempts to meet the residency requirement by only providing an Affidavit of Texas Residency has not proven Texas residency and DPS may deny issuance.

Note:

- Domicile is the true, permanent home of a person.
- Residence can be permanent or temporary
 - Students going to school may be domiciled at their parent's home but have residence somewhere else.

Reference to domicile in this policy is specific to CDL holders

Acceptable/Unacceptable Mailing Addresses

Scenario	Acceptable	Unacceptable
✦ Business address (unless authorized by statute)		X
✦ Residential address	X	
✦ Governmental Entity*	X	
✦ Not-for-profit organization*	X	
✦ Assisted care facility/home*	X	
✦ Homeless Shelter*	X	
✦ Transitional service provider*	X	
✦ Group/halfway house*	X	

* These facilities may be accepted as primary residences if the applicant resides or receives services at one of these locations. The organization must provide a notarized letter verifying receipt of mail for the individual.

Acceptable Proof of Residency Documents

- ✦ Current deed, mortgage, monthly mortgage statement, mortgage payment booklet, or a residential rental/lease agreement
- ✦ Valid, unexpired Texas voter registration card
- ✦ Texas motor vehicle registration or title
- ✦ Texas boat registration or title
- ✦ Texas concealed handgun license
- ✦ Utility statement dated within 90 days of the date of application

- ✦ Selective Service card
- ✦ Medical or health card
- ✦ Current homeowner's or renter's insurance policy or homeowner's or renter's insurance statement
- ✦ Current automobile insurance policy or an automobile insurance statement
- ✦ Texas high school, college, or university report card or transcript for the current school year
- ✦ W-2 or 1099 tax form from the current tax year
- ✦ Mail from financial institutions; including checking, savings, investment account, and credit card statements dated within 90 days of the date of application
- ✦ Mail from a federal, state, county, or city government agency dated within 90 days of the date of application
- ✦ Current automobile payment booklet
- ✦ Pre-printed paycheck or payment stub dated within 90 days of the date of application
- ✦ Current documents issued by the US military indicating residence address
- ✦ Document from the Texas Department of Criminal Justice indicating the applicant's recent release or parole
- ✦ Current Form DS2019, I-20, or a document issued by the United States Citizenship and Immigration Services (**non-commercial driver license and identification cards only**)

Residency Procedures

Customer Service Representatives must follow the steps below when processing original driver license (DL) and identification (ID) card applications:

1. For non-commercial DLs and for applicants not surrendering an out-of-state DL, review documentation presented by the customer and verify the customer has lived in a Texas residence for at least 30 days prior to the application.
2. For commercial DL applicants and for applicants surrendering an out-of-state DL, the documentation presented does not need to demonstrate the applicant has lived in a Texas residence for at least 30 days prior to the application.
 - a. Acceptable residency documents may not be from the same service provider.

Examples:

The applicant may not provide a water bill and electricity bill from the same company.

- They may provide a water bill and electricity bill if they are from different utility companies.

The applicant may not provide the registration and title for the same or different vehicles from the same registration office.

- They may provide registration or title for a vehicle registered through DMV and a boat registered through TPWD.

- b. Mail addressed with a forwarding label or address label affixed to the envelope or contents is **not** acceptable.
- c. If the applicant is unable to provide two acceptable documents establishing proof of residency, they must complete Section A of the Texas Residency Affidavit (XX-XX) and have an individual who also resides at the same residence address complete Section B to support the applicant's claim of residency or being domiciled in Texas. Both the applicant and the individual must sign Section C of the DL-XX.

- i. If the individual completing and submitting the DL-XX is related to the applicant, they are not required to accompany the applicant to the driver license office if the applicant can present:
 - a. Documents establishing the family relationship including but not limited to:
 - Marriage license
 - Military dependent identification card
 - Birth certificate
 - Adoption records
 - b. Two acceptable documents proving residency of the individual or representative named in Section B of the DL-XX.
2. If the individual completing and submitting the DL-XX is not related to the applicant, they must accompany the applicant to the driver license office and present:
 - a. A valid Texas DL or ID card
 - b. A signed Texas Residency Affidavit (DL-XX)
 - c. Two acceptable documents proving residency of the individual or representative named in Section B of the DL-XX.
- ii. A representative of a governmental entity, not-for-profit organization, assisted care facility/home, adult assisted living facility/home, homeless shelter, transitional service provider, extended stay hotels, or group/half way house may submit a notarized letter certifying the applicant currently resides at that location. The letter must:
 1. Be written on company letterhead.
 2. Identify the applicant as someone who received mail/services at that location.
 3. Provide the title of the person signing the letter.
 4. Provide contact information for verification.

Note: A notarized DL-XX may be accepted in lieu of a notarized letter from the representative or service provider.

3. This requirement is waived for applicants using alternative addresses if they are subject to the address confidentiality program administered by the:
 - a. Office of the Attorney General
 - b. Currently incarcerated in a Texas Department of Criminal Justice facility
 - c. Judges, spouses of judges

Peace officers using alternative addresses must prove their true residence address.

4. Scan all documents into the Driver License System (DLS).

Additional References:

37 Texas Administrative Code §15.1 – Who Must Be Licensed

37 Texas Administrative Code §15.25 - Address

37 Texas Administrative Code §15.46 – Citizenship Status and County of Residence

Texas Transportation Code, Section 521.101 – Personal Identification Certificate

Texas Transportation Code, Section 521.142 – Application for Original License

Texas Transportation Code, Section 521.314 – Cancellation Authority